



## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

In re Application of: Kelly W. Buchner

Application No.: 10/840,064

Filed: 05/06/2004

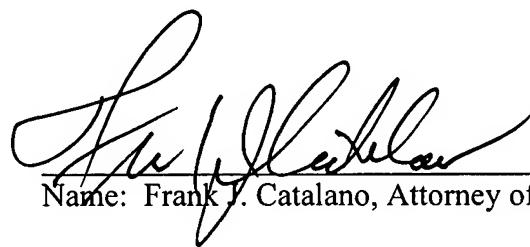
Title: PROCEDURE AND MACHINE FOR ELECTRO-INDUCING/STIMULATING DEEP LAYERED MUSCLE CONTRACTIONS USING A BIPHASIC FARADIC PULSE SEQUENCE

The interest of the Inventor, Kelly W. Buchner, owner of the entire right, title and interest in this application, by and through her attorney of record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,745,078. The successor in interest hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the successor in interest, its successors or assigns.

In making the above disclaimer, the successor in interest does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1 321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: September 19, 2007

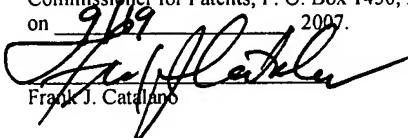


Name: Frank J. Catalano, Attorney of Record

Please charge the terminal disclaimer fee in the amount of \$65 under 37 CFR 1.20(d) to Deposit Account No. 50-1971.

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this document and any document referred to as being attached herein is being deposited with the U.S. Postal Service in an envelope as "First Class Mail" addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 9/19/07 2007.



Frank J. Catalano